

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES WILLIAMS,

Plaintiff,

v.

MIRIAM DOMINIQUE-KASTLE,

Defendant.

Case No. C15-819-JLR-JPD

REPORT AND RECOMMENDATION

On May 19, 2015, plaintiff James Williams submitted to this Court for filing a civil rights complaint under 42 U.S.C. § 1983. (*See* Dkt. 1.) Plaintiff alleges in his complaint that the law librarian at the Monroe Correctional Complex, Miriam Dominique-Kastle, violated his Fourteenth Amendment rights when she stole evidence out of plaintiff's legal materials which plaintiff had submitted to her to be copied and then mailed to the court. (Dkt. 8 at 9.) Plaintiff asserts that he lost a lawsuit challenging the involuntary administration of anti-psychotic medications as a result of the missing evidence, and he requests \$200 million in damages to compensate him for the money he would have won in his involuntary medication lawsuit had the evidence been available to him. (*Id.* at 10.)

REPORT AND RECOMMENDATION - 1

1 On October 21, 2015, plaintiff filed a motion seeking to dismiss this action without  
2 prejudice or, in the alternative, with prejudice. (Dkt. 12.) Plaintiff states in his motion to dismiss  
3 that he filed the instant lawsuit, and 15 others over the last two years, in an effort to achieve two  
4 specific goals: (1) to be taken off of anti-psychotics; and, (2) to get out of the Intensive  
5 Management Unit. (*Id.*) Plaintiff indicates that he has now achieved these goals and he  
6 therefore wishes for the Court to dismiss this action as moot. (*See id.*) Defendant filed a  
7 response to plaintiff's motion in which she states that she does not oppose plaintiff's motion, but  
8 she requests that the dismissal of this action be with prejudice given plaintiff's representation that  
9 his claims are now moot. (Dkt. 13.)

10 While it is not clear from the record that plaintiff's claims are, in fact, moot, plaintiff has  
11 made clear that he no longer wishes to pursue this action. Accordingly, this Court recommends  
12 that plaintiff's motion to voluntarily dismiss this action be granted, in accordance with Fed. R.  
13 Civ. P. 41(a)(2), and that plaintiff's complaint and this action be dismissed with prejudice. A  
14 proposed order accompanies this Report and Recommendation.

15 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
16 served upon all parties to this suit by no later than **December 21, 2015**. Failure to file objections  
17 within the specified time may affect your right to appeal. Objections should be noted for  
18 consideration on the District Judge's motion calendar for the third Friday after they are filed.  
19 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no  
20 timely objections are filed, the matter will be ready for consideration by the District Judge on  
21 **December 28, 2015**.

1 This Report and Recommendation is not an appealable order. Thus, a notice of appeal  
2 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the  
3 assigned District Judge acts on this Report and Recommendation.

4 DATED this 30th day of November, 2015.

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6 JAMES P. DONOHUE  
7 Chief United States Magistrate Judge  
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